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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

14079-1US-R GH/ik

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,028,414, granted February 22, 2000, and for which a reissue patent is sought on the invention entitled FUEL CELL STAND-BY ENERGY SUPPLY SYSTEM

the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____ / _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

SEE ATTACHMENT A

[Page 1 of 2]

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
14079-1US-R GH/ik

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number		
ROBERT MITCHELL	25,007	KEVIN P. MURPY	26,674
GUY L. HOULE	24,971	MICHEL SOFIA	37,017
ROBERT CARRIER	30,726	FRANCE COTE	37,037

Correspondence Address: Direct all communications about the application to:



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Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Jean-Guy Chouinard

Inventor's signature

Jean-Guy Chouinard

Date

February 15th, 2002

Residence 201 Chemin du Club Marin, Verdun

Citizenship Canadian

Mailing Address 201 Chemin du Club Marin, Verdun, Quebec, Canada, H3E 1T4

Full name of second joint inventor (given name, family name)

RAYMOND ROBERGE

Inventor's signature

Date

Residence 363 Louis Quevillon, Boucherville

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Full name of third joint inventor (given name, family name)

GUY ROSS

Inventor's signature

Guy Ross

Date

15 Feb 2002

Residence 328 Mgr. Bourget, Beloeil,

Citizenship Canadian

Mailing Address 328 Mgr. Bourget, Beloeil, Quebec, Canada J3G 3L7

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

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U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

(REISSUE APPLICATION DECLARATION BY THE INVENTOR)

All errors corrected in this reissue application arise without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Name(s)	Registration Number
ROBERT MITCHELL	25,002
GUY L. ROUSSE	34,971
ROBERT CARRIER	30,726
KEVIN P. MURPHY	26,674
MICHEL SOELS	37,012
FRANCE COTE	37,037

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☐ First or Individual Name

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Address

City

Country

State

Zip

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Fax

I hereby declare that all statements made herein of my own knowledge and belief are true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name):

JEAN-GUY CHOUINARD

Inventor's signature: *Jean-Guy Chouinard*

Date: FEB 15, 2002

Residence: 201 Chemin du Club Marin, Verdun, Quebec, Canada, H3E 1T4

Citizenship: Canadian

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Full name of second joint inventor (given name, family name):

RAYMOND ROBERGE

Inventor's signature: *Raymond Roberge*

Date: FEB 15, 2002

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Citizenship: Canadian

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Full name of third joint inventor (given name, family name):

GUY ROUSSE

Inventor's signature: *Guy Rousse*

Date: FEB 15, 2002

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Citizenship: Canadian

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ATTACHMENT A

At claim 1, column 5, lines 32 to 35, of U.S. Patent 6,028,414, there is recited "said control circuit means having power sensing means and means to control the operation of said device so as to maximize the use of the power available in said fuel cell". This limitation is deemed superfluous to the invention, as the fuel cell stand-by energy supply system is operable without this limitation. It is only recently when we reviewed claim 1 that we discovered that we claimed less than we had the right to claim by having that limitation in claim 1. When the patent application Ser. No. 09/295,266 was prepared, that limitation was in the broad claiming of the application as originally drafted. We did not realize, at that time, that we were claiming less than we had the right to claim and that we were entitled to patent protection for this invention which was broader, as we now have discovered. This error arose without any deceptive intention on the part of the Applicants and we now wish to correct this error by the present reissue application. It is only recently during the month of January 2002 that this error was noted. We are therefore proceeding diligently.

It is pointed out that the fuel cell stand-by energy supply system of the present invention has a control circuit and wherein one of its features is a power sensing means whereby to monitor the power consumption of the fuel cell or the integration fuel cell and battery d.c. supply. The system can operate without it. This limitation is now recited in new claim 17. Support for claim 17 is contained in the last limitation of claim 1 of the patent, as above-noted, and as well in the passage at column 3, lines 45 to 49 of the patent, for example.

Another feature of the control circuit is that it is also provided with means to control the operation of the device so as to maximize the use of the power available in the fuel cell or the integration fuel cell and battery d.c. supply of the stand-by energy supply system. Support thereof can be found in the last limitation of claim 1. Again, the system can operate without it. Accordingly, no new matter has been introduced by these two claims.

The dependency of claim 2 has been modified to refer to claim 18, which itself is dependent on claim 17.

In reviewing the specification it is noted that there is a statement of invention paragraph bridging columns 1 and 2 of the Patent and it is therefore desirable to remove the last sentence of that paragraph which appears at column 2, lines 8 to 11. There is also a typographical error at column 4, line 13 wherein reference numeral "17" should have been "27".

Applicants also believe that the broadened claim 1 is clearly patentable over all known prior art cited in the U.S. prosecution and also the prior art brought to the Examiner's attention with this reissue application as an Information Disclosure Statement which lists the art cited in the PCT International Search Report.

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REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) 14079-1US-R GH/ik
<p>This is part of the application for a reissue patent based on the original patent identified below.</p> <p>Name of Patentee(s) JEAN GUY CHOUINARD, RAYMOND ROBERGE, GUY ROSS</p>		
Patent Number 6,028,414	Date Patent Issued February 22, 2000	
Title of Invention FUEL CELL STAND-BY ENERGY SUPPLY SYSTEM		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
<p>The assignee(s) owning an undivided interest in said original patent is/are <u>H Power Enterprises of Canada Inc.</u>, and the assignee(s) consents to the accompanying application for reissue.</p>		
<p>Name of assignee/inventor (if not assigned)</p> <p>H Power Enterprises of Canada Inc.</p>		
Signature <i>Jean-Luc Chouinard U.I.</i>	Date <i>February 15th, 2002</i>	
Typed or printed name and title of person signing for assignee (if assigned)		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Jean-Guy CHOQUINARD, Raymond ROBERGE and Guy ROSSApplication No./Patent No.: 6,028,414 Filed/Issue Date: February 22, 2000Entitled: FUEL CELL STAND-BY ENERGY SUPPLY SYSTEMH Power Enterprises of Canada Inc. , a Canadian Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9685, Frame 0994, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
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The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

February 15th 2002
Date

JEAN-GUY CHOQUINARD
Typed or printed name

Jean-Guy Choquinard V.P.
Signature

Vice-President
Title